

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF AMERICAN POSTAL
WORKERS UNION, AFL-CIO

Docket No. C2012-2

AMERICAN POSTAL WORKERS UNION, AFL-CIO, REPLY IN OPPOSITION TO
USPS MOTION TO DISMISS [REVISED]
(July 13, 2012)

Pursuant to Order No. 1396 issued July 9, 2012, the American Postal Workers Union, AFL-CIO (APWU), hereby submits its Reply in Opposition to the United States Postal Service Motion to Dismiss filed July 2, 2012.

I. USPS Interpretation of Section 3661 is Facially Invalid

In its Motion to Dismiss the Postal Service asserts that Section 3661 of Title 39 requires merely that it request an opinion from the Postal Regulatory Commission (PRC) not that it actually receive and consider such opinion as APWU's Complaint asserts. However, the Postal Service's interpretation is not supported by the plain reading of Section 3661 in its entirety as it violates the "bedrock principle of statutory construction"¹ touted by the Postal Service that "a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void or insignificant." *Bruesewitz v. Wyeth LLC*, 131 S. Ct. 1068, 1094 (2011) (quoting *TRW Inc. v. Andrews*, 541 U.S. 19, 31 (2001)). In this case, the Postal Service interpretation of Section 3661 if adopted would render the role and duties of the Commission described in Section 3661(c) and the due process rights guaranteed by this same section superfluous, void and insignificant.

¹ USPS Motion to Dismiss at 8.

Section 3661(c) provides in pertinent part:

The Commission shall not issue an opinion on any proposal until an opportunity for hearing on the record under section 556 and 557 of title 5 has been accorded to the Postal Service, users of the mail, and an officer of the Commission who shall be required to represent the interests of the general public. The opinion shall be in writing and shall include a certification by each Commissioner agreeing with the opinion that in his judgment the opinion conforms to the policies established under this title.

Thus, the Commission is required to issue an advisory opinion on changes to services proposed by the Postal Service. By requiring that the Commissioner's certify that its opinion complies with the policies of Title 39, the Commission necessarily must evaluate whether the Postal Service's proposal is in compliance with these statutory policies, which also include various powers and obligations of the Postal Service. Were the Postal Service only required to request an advisory opinion before moving forward with changes in postal services, but not receive the opinion, the requirement that the Commission review the plan for compliance with Title 39 would be rendered insignificant. Likewise, the requirement that the Postal Service submit its plan "a reasonable time prior" to implementation would be void. If the Postal Service were not required to receive an opinion on planned changes, there should be no need for advance notice at all. It is noteworthy that the Postal Service has acknowledged that the "reasonable time" requirement is designed to give the Commission the opportunity to issue an advisory opinion:

The Postal Service agrees that the "reasonable time" wording in section 3661 is intended to give the Commission a fair opportunity to exercise its authority to review service change plans and to issue advisory opinions on such changes before they are implemented. This conclusion is reinforced by the Commission's adoption of 39 C.F.R. 3001.72, which specifies that requests for advisory opinions "shall be filed not less than 90 days in advance of the date on which the Postal Service proposes to make effective the change in the nature of the postal services involved."²

² C2001-3 Reply of the USPS to the Answers of The Office of Consumer Advocate and the Complainant in Opposition to the Motion to Dismiss at 2 (August 21, 2001)

In its Motion, the Postal Service fails to explain why Section 3661 requires it to request an opinion if it were not to also receive this opinion, which is the logical reason to request an opinion in the first place. If the Postal Service could implement changes without the advice of the Commission that advice would be a no value. Under the Postal Service's interpretation, the Postal Service could fully implement a massive change to postal services without any guidance from the Commission. Since the Commission opinion is admittedly advisory only, there would be no incentive for the Postal Service to undo the implemented changes after a decision is issued, especially if such changes would be unduly costly and burdensome to make. Clearly, Section 3661 envisions a role for the Commission to provide useful advice to the Postal Service on how its planned changes in services measure up to the legal requirements imposed on the Postal Service by Title 39. To be truly useful, the advice must be rendered in advance, hence the requirement that the Postal Service request an opinion "a reasonable time" in advance of when it planned to implement changes. Therefore, the Postal Service interpretation that it need only request an opinion must be rejected as invalid because it would render the Commission's advisory role and related decision irrelevant.

Similarly, the Postal Service interpretation must also be rejected because this interpretation renders the due process guarantees of Section 3661(c) nugatory. Section 3661(c) requires that the Commission not issue an advisory opinion until after an opportunity for a hearing on the record under section 556 and 557 of the Administrative Procedures Act. Clearly, the Commission's role then is not to simply advise the Postal Service on proposed changes, but to also ensure a valuable role for users of the mail. Section 3661(c) explicitly ensures due process for all participants in proceedings before the Commission on proposed changes to services, therefore, Section 3661(c) necessarily implies that these due process rights have meaning. There is no reason to ensure due process to participants if their participation were without effect. However, the Postal Service's interpretation, which would permit it to enact changes in postal services prior to receiving the advice of the Commission, would mean that the input of the users of the mail need not be considered by the Postal Service before making

substantial changes to its services. Such a result effectively reads out the due process rights guaranteed by the statute, must be rejected.

II. The Legislative History Demonstrates that the Postal Service is Required to do More than Simply Request an Opinion Before Making Substantial Changes to Services

Wholly missing from the Postal Service's discussion of the correct interpretation of Section 3661 is any mention of legislative history that supports its reading.

Admittedly, legislative history pertaining to Section 3661 is relatively scant, but what is available and has been recognized by the Commission supports the APWU's logical interpretation of Section 3661 requiring that the Postal Service not only request an advisory opinion from the Commission but actually receive and consider it as well.

For example, in Presiding Law Judge's Initial Decision in Docket No. N75-1 (USPS Retail Access Program (RAP)) the Presiding Law Judge found that the RAP program (and its related attributes like staffing and scheduling employees) was properly within the jurisdiction of the Commission under Section 3661 of Title 39. While the question before the Law Judge was whether RAP was a change in the nature of service, the decision speaks directly to the relevance and purpose of Title 3661 as envisioned by Congress. In fact, this decision clearly envisioned and endorsed the requirement that the Commission issue a decision before the Postal Service implements planned changes in postal services, specifically stating "... it is found to be controlling that Congress, by enacting 3661, conferred on this Commission a prior review function... ." N75-1 Presiding Law Judge's Initial Decision, at 48 (January 14, 1976)(emphasis in the original).

This decision also recognizes the testimony of former Postmaster General Blount in Hearings before the House Committee on Post Office and Civil Service on Various Proposal to Reform the Postal Establishment:

In contrast to the situation at present, in which the Postmaster General can cut back service for economy or other reasons, no significant change in postal service can be made under this legislation except after full consideration, with opportunity for the affected users to be heard, and with definite assurance that such changes are in the public interest.

...

. . . no major change in postal service could be made until the affected users have had an opportunity to be heard and the public members of the Board of Directors have been able to **satisfy** themselves, **in the light of the hearings, that the change is in the public interest.** [emphasis added]³

The Postal Service's illogical interpretation of Section 3661 clearly runs afoul of this legislative history recognized by the Commission. However, the interpretation advanced by the APWU is not only logical on its face; it is also fully consistent with this legislative history. Requiring the Postal Service to wait for an advisory opinion before implementing any changes supports the Commission's prior review function of the Postal Service's proposed changes and ensures that the interests of the public are heard.

Finally, Presiding Law Judge's Initial Decision also recognized judicial precedent relevant to the case at bar:

Buchanan, supra, [footnote omitted] acknowledged that invocation of section 3661 burdens the Postal Service in exercising the policy of broad management authority which policy it recognized was a purpose of postal reorganization. This acknowledgment, however, does not free the Postal Service – in its post-enactment efforts to favor management prerogatives at the expense of **prior public participation in the decision making on significant service changes** – from the pre-enactment congressional testimony of its own chief advocates and architects of postal reform.⁴ [emphasis added]

The burden acknowledged by the Court in Buchanan v. United States Postal Service, 508 F.2d 259 (5th Cir. 1975), and recognized by the Commission is to seek and receive the advice of the Commission before implementing a change in service. If all the Postal Service had to do was request this advice, it could move forward with its plans before receiving a decision from the Commission which might give it pause, thus, there would be no burden on how it exercises its "broad management authority." Requiring

³ N75-1 Presiding Law Judge's Initial Decision, at 49 - 51 quoting Testimony of PMG Blount in Hearings Before the Committee on Post Office and Civil Service, House of Representatives on Various Proposals to Reform The Postal Establishment, 91st Cong., 1st Sess., (1969), 215-216 and 236.

⁴ N75-1 Presiding Law Judge's Initial Decision, at 51.

the Postal Service wait before implementing its proposed changes is a necessary burden that prevents substantial changes to fundamental postal services from occurring without being fully vetted before the Commission with input from mailers and the public.

III. Other Sections of the Act Support the APWU's Interpretation of Section 3661

The Postal Service's reliance on other sections of the Postal Reorganization Act (PRA) in support of its reading of Section 3661 is misplaced. It seeks to rely on the fact that the PRA, in Section 3625, required the Board of Governors to receive and act on the recommended decision of the Commission when setting postal rates. Postal Reorganization Act Section 2; § 3625, 84 Stat. at 762. In the matter of a rate decision by the Commission, the Governors were required to "approve, allow under protest, reject, or modify that decision..." *Id.*, § 3625(a). This is in contrast to the role of the Commission in considering nationwide service changes, where the Commission's opinion is advisory. *Id.* § 3661. From this, the Postal Service seeks an inference that Congress did not intend that the Postal Service wait to receive an advisory opinion under 3661 before implementing the service changes it had proposed under that Section.

A very different comparison of Sections 3625 and 3661 was provided by the Court in United Parcel Service v. United States Postal Service, 604 F.2d 1370 (3d Cir. 1979), *aff'g* 455 F.Supp. 857 (E.D. Pa. 1978), *cert. denied*, 446 U.S. 957 2929 (1980). The question in that case was whether the Postal Service was required to submit for Postal Rate Commission action a proposed test of a new "Local Parcel Service Plan." The Postal Service argued that it did not because the test was not a nationwide change in rates or classifications. "The Postal Service... argues that because only nationwide changes in postal services need be submitted to the Rate Commission under 39 USC section third 3661, that Congress intended that rate commission jurisdiction over rates and mail classifications would similarly extend only to matters affecting the entire country." 604 F.2d 1370, 1378 [footnote omitted].

The Court therefore examined the provisions of sections 3622 and 3623 and compared them to section 3661:

With respect to postal services, Congress clearly contemplated that the nature of such services would vary from one locale to another depending on local conditions.... Recognizing the lack of national interest in purely local conditions requiring changes in the nature of postal services, Congress did not require Rate Commission action when such localized changes were effective. However, when a nationwide or substantially nationwide Postal Service change is proposed, then Congress required that the proposed change be submitted to the Rate Commission – not for a recommended decision (as required for a rate or classification change,) but merely for an advisory (and hence not binding) opinion. It is obvious to us that the substantive differences in § 3661 (services) as contrasted with § 3662 (rates) and § 3623 (classifications) reflect different Congressional concerns and therefore different Congressional requirements.

604 F.2d 1370, 1378-79. Because the Act's rate and classification provisions were not limited in their application to nationwide changes, the Court affirmed the injunction issued by the District Court.

The District Court also discussed the significance of Section 3661. First, the Court observed, more generally, that "[t]he very existence and function of the postal rate commission bespeaks a limitation on postal management's freedom." 455 F.Supp. 857, 869. With particular reference to Section 3661, the District Court in the United Parcel Service case adopted what it understood to be the holding by the Court of Appeals in Buchanan v. United States Postal Service:

Construing this section, the Fifth Circuit has held that when the issue is changes in postal services, **the Act does not require an advisory opinion from the Postal Rate Commission before implementation of the change unless** (1) there's been a 'change' in a quantitative sense, (2) there has been a meaningful impact on service, and (3) **the change affects service on a nationwide or substantially nationwide basis..**⁵ [Emphases added here.]

455 F.Supp. 857, at 880. See *generally*, Bradley v. United States Postal Service, 554 F.2d 186, 187 (5th Cir. 1977) (before the Postal Service can implement, it must request the Commission to issue an advisory opinion).

In the Buchanan case, *supra*, the courts considered a case in which the Postal Service had failed to submit its plan to the Commission for an advisory opinion. Thus,

⁵ Buchanan v. United States Postal Service, 508 F.2d 259 (5th Cir. 1975). See *also* Wilson v. United States Postal Service, 441 F.Supp. 803 (C.D. Calif. 1977)

the question of whether the Postal Service had to wait for the requested opinion to issue before it acted on its plan was not separately presented for decision. It is clear from the District Court's decision, however, that that is what the plaintiffs sought and obtained.⁶ Early in its opinion, the Court characterized the action as one to enjoin implementation until after the Commission issued its Advisory Opinion:

Primarily the amended complaint seeks to enjoin the further implementation of these programs until (1) the Postal Service has submitted the programs to the Postal Rate Commission pursuant to 39 U.S.C. § 3661, (2) the hearing required by such Section 3661 has been completed, **and (3) the Postal Rate Commission issues the opinion required by such Section 3661.** [Emphasis added here.]

375 F.Supp. 1014, 1016. Then, in rendering its decision, the Court stated:

In accordance with the foregoing, the court is of the opinion that it should issue a preliminary injunction which prevents the further consolidation or elimination of Postal Districts and which prevents the further implementation of the so-called postal facilities' deployment program pending further proceedings in this action.

375 F.Supp. 1014, 1022.

The Court of Appeals largely confirmed the reasoning and decision of the District Court on the effect of Section 3661 when it applies and must be invoked. The question on appeal was whether both of the programs enjoined by the District Court would have a nationwide impact on postal services. On that point, the Court affirmed the injunction as to one of the products and remanded the case to the District Court for further proceedings on the other. Buchanan v. United States Postal Service, 508 F.2d 259 (5th Cir. 1975).

In reaching its decision, the Court observed that "[a]n early House version [of the legislation] had included provisions which made the opinion of the Postal Rate

⁶ Complainant's counsel has been diligently seeking to obtain a copy of the actual injunction, and a copy of the eventual settlement document in the case, from the federal records center in Atlanta, and also has sought to reach counsel for plaintiff in the Buchanan case for that purpose as well; but as of this writing those efforts have not produced a copy of the District Court's Injunction Order or the settlement document.

Commission binding on the Postal Service...” 508 F.2d 259, at 263. In light of that history, the Court concluded that an “expansive interpretation on the reach of § 3661 would be inconsistent with this expression of congressional will.” *Id.* But the Court also made it clear that this discussion was pertinent to the scope of Section 3661, not to its effect when it is found to be applicable. The Court emphasized that “the procedures mandated by § 3661 are sufficiently elaborate to amount to a significant impediment in the path of the decision making process of the Postal Service. We therefore find these expressions of congressional intent relevant to our interpretation of § 3661.” 508 F.2d 259, at 263 n. 6.

IV. The Postal Service Failed to File its Request a Reasonable Time Prior to Implementing its Changes in Violation of Section 3661

The Postal Service also asserts in its Motion to Dismiss that it complied with the terms of Section 3661. It also claims that APWU failed to properly plead that the Postal Service violated Section 3661 because the Complaint “asserts in passing” that the request was not made a reasonable time prior to implementing its proposed changes to service. As with the Postal Service’s other claims, this contention is completely without merit. The facts and circumstances supporting this claim are meticulously detailed over 15 pages of the APWU’s Complaint (see APWU Complaint pages 4-19). Furthermore, the Complaint states that both the Postal Service’s initial request and its May 2012 Federal Register announcing different changes in postal services was not timely filed. Thus, this contention is plainly meritless.

As to the Postal Service’s assertion that it complied with the Section 3661 by filing its request “a reasonable time” before implementation, i.e. 90 days in advance, this assertion is equally flawed. First the Postal Service acknowledges in its Motion that “Congress did not intend the Commission to have the power to delay implementation of a service standard change so long as the Postal Service submitted the change to the Commission a ‘reasonable time’ ... before its planned implementation date.”⁷ Thus, the USPS has admitted that the Commission does have the power to delay

⁷ USPS Motion to Dismiss at 11. (Footnote omitted.)

implementation of a service standard change that is not submitted a reasonable time before its planned implementation date. Ellipted from the phrase quoted just above is the parenthetical “(i.e. not less than 90 days)”. The USPS argues that the Commission’s rule requiring that Section 3661 requests be submitted “not less than 90 days in advance of the date on which the Postal Service proposes to make effective the change in the nature of postal services involved” (Rule 3001.72), means that such requests never need to be filed more than 90 days before the planned change is to take effect. That contention is untenable, unreasonable and not supported by Commission precedent.

Specifically, in the Presiding Law Judge’s Initial Decision addressing the evolutionary nature of RAP . . .

What is a reasonable advance submission is a matter which only experience with administration of the advisory opinion statute can give us. Clearly it is one of elements of consideration as amendment to the Commission’s current rules of practice for section 3661 cases. (FN 1)

FN 1 Nothing in the Commission’s present rules bars filing the request for an advisory opinion in excess of the minimum preferred time set forth.

Thus, the Commission has clearly recognized that “reasonable advance” notice is a subjective inquiry to be made by the Commission based on what it has learned from past proceedings. A brief survey of past “N” cases clearly demonstrates that 90 days is not reasonable in this case:

- **Docket No. N75–1**, Retail Analysis for Facilities Development Program.
The Postal Service filed its request on April 16, 1975 (and an April 11, 1975 notice requesting an opinion that this program does not fall under 39 USC 3661) and the Commission issued its advisory opinion about a year later on April 22, 1976 (the Commission decided the jurisdictional question raised in the April 11, 1975 notice about nine months later on January 17, 1976).

- **Docket No. N75–2**, Changes in Operating Procedures Affecting First-Class Mail and Airmail

The Postal Service filed its notice on May 8, 1975 and its request on May 14, 1975 and the Commission issued its advisory opinion about 4 months later on September 8, 1975.

- **Docket No. N86–1**, Change in Service, 1986, Collect on Delivery Service

The Postal Service filed its request on February 12, 1986 and the Commission issued its advisory opinion about a year later on February 6, 1987.

- **Docket No. N89–1**, Change in Service, 1989, First-Class Delivery Standards Realignment

The Postal Service filed its request on September 29, 1989 and the Commission issued its advisory opinion about 10 months later on July 25, 1990.

- **Docket No. N2006–1**, Evolutionary Network Development Service Changes, the Postal Service filed its request on February 14, 2006, and the Commission issued its advisory opinion about 9 months later on December 19, 2006.

- **Docket No. N2009–1**, Process for Evaluating Closing Stations and Branches, the Postal Service filed its request on July 2, 2009, and the Commission issued its advisory opinion 8 months later on March 10, 2010.

- **Docket No. N2010–1**, Elimination of Saturday Delivery, the Postal Service filed its request on March 30, 2010, and the Commission issued its advisory opinion nearly 12 months later on March 24, 2011.

- **Docket No. N2011–1**, Retail Access Optimization Initiative, the Postal Service filed its request on July 27, 2011, and the Commission issued its advisory opinion almost 5 months later on December 23, 2011.

- **Docket No. N2012-1**, Mail Processing Network Rationalization, the Postal Service filed its request on December 5, 2011, and the record closed on July 5, 2012 with reply briefs due July 20, 2012 and assuming the Commission issues its Opinion about 30 days after reply briefs, the Opinion would issue a little more than 8 months following the initial request – around August 20, 2012.
- **Docket No. N2012-2**, Post Office Structure Plan (POSt), the Postal Service filed its request on May 25, 2012, cross examination of the Postal Service witness is complete with initial briefs due shortly and reply briefs due July 20, 2012. Assuming the Commission issues its Opinion about 30 days after reply briefs, the Opinion would issue slightly less than 90 days from the initial Postal Service request - around August 20, 2012. If the Opinion issues this quickly, it will be the only N cases with an opinion in less than 90 days.

Although docket N2012-2 deals with a significant program affecting thousands of post offices; it is nonetheless much less complicated than a request like that contained in Dockets N2006-1 or N2012-1. Docket N2012-2 was filed with one 24-page witness testimony and 5 library references. There are currently 8 LRs with one more promised. No party will file rebuttal. By contrast N2012-1 was filed with thirteen testimonies and 39 LRs with many more LRs to follow as the docket progressed. 17 rebuttal testimonies, 1 supplemental testimony by the Postal Service and 2 supplemental testimonies by intervenors, 4 surrebuttal testimonies, and several technical conferences. Computer modeling of the Postal Service network was used by the Service and intervenors. Technical issues involved the size of volume and revenue losses; the volumes of various classes and types of mail affected by service standard changes; productivity and costing issues, and exploration of alternatives.

It is certainly reasonable to assume that a request accompanied by a single short testimony and 5 LRs should proceed faster than a request accompanied by 13 testimonies and 39 LRs. The experience with N2006-1 is certainly instructive as to how long it might take the Commission to deal with the issues raised in N2012-1. Docket N2006-1 also dealt with computer modeling of the network, simulations, the AMP

process, costing and productivity issues, and potential impacts on a variety of Postal products.

Notably, had the Postal Service implemented its proposed changes after only 90 days from filing its request, the proceedings in Docket N2012-1 would have barely begun; discovery on the Postal Service's case was still ongoing and hearings had not even been held by March 5, 2012. Furthermore, if the Postal Service is only required to submit 90 days prior to planned implementation, the Postal Service could sit on a request for substantial changes in postal service, like those present in N2012-1 (see also Dockets N2006-1 and N2010-1) until 90 days beforehand, even if it knew its plan farther in advance. This effectively ensures that no substantial review would be made or decision rendered before implementation.

Instead of addressing these realities head-on, the Postal Service makes the claim that it will never know what a reasonable time in advance is, giving the Commission "de facto veto power." This argument is misplaced. First, nothing in the Commission rules or statutory requirements forecloses the Postal Service from filing its request early. It is also not foreclosed from conducting informal discussions with the PRC about its proposed changes before filing to get an estimate of the time required for the case to be fully heard.

If the Postal Service desired a quicker opinion, there are things currently in the control of the Postal Service to do or to suggest to the PRC to help ensure a timely decision. For example, technical conferences or briefings before the actual filing, for example in N2006-1 and N2012-1 there was computer modeling. The models were known and available many months before the filing. Technical conferences could have been held before the filing instead of sometime after the request. Filings could come earlier. As it is USPS would put itself in control of a "reasonable" time to file and could wait till near implementation even though the initiative might have been a year or more in development before filing. In N2012-1 it might have filed in October (as was announced in August) even though some of its case – like the market research would not be ready for submission. A lot of discovery and the technical conference on the model would have been behind us by December 5 when we would assume they could have presented the market research and any other evidence not quite ready in

October. With that two month lead, it would be likely an Opinion could have issued before July 1, 2012. The Postal Service could have suggested quicker responses to discovery justifying a shorter period for discovery and likewise a shorter period on rebuttal. It might have suggested that cutting short discovery could be remedied by oral cross – as was done in N2012-1 with the supplemental testimony on the revised final rule. The Postal Service made no such suggestions during the pre-hearing conference or in its motion to shorten the schedule.

V. The Commission Needs A Fuller Record To Make Any Decision On Two Other Aspects Of The Complaint

Complainant has alleged that the revised plan which the Postal Service now proposes to implement in two phases beginning July 1, 2012, is a new plan that requires a new submission to the Commission under Section 3661. That contention is so heavily fact-bound that it cannot be decided on the basis of a motion to dismiss. We respectfully submit that the truncated procedure adopted by the Commission to address the revised plan did not and could not suffice to provide due process as required by Section 3661. The Postal Service witnesses produced in response to the Commission's order in Case No. N2012-1 wholly failed to link the evidence in the case before the Commission to the revised plan. Accordingly, whether or not a wholly new proceeding must be begun under section 3661 requires further factual development.

Likewise, complainant's contention that the Postal Service's network consolidation plan violates Section 3691 of the Act is not suitable for decision on a motion to dismiss. On the record before the Commission, it appears that the Postal Service has decided to close a large number of mail processing facilities and substantially reduce service to the public almost entirely for the sole purpose of cutting costs. The Postal Service's contention that this is necessary to preserve the Postal Service is the only possible justification it could offer as a way of addressing the objectives and factors it must weigh under Section 3691. Whether or not the network consolidation plan challenged in this proceeding will serve to preserve or destroy the United States Postal Service is a matter that is hardly suitable for summary disposition. Accordingly, we respectfully suggest that the Commission should not summarily dismiss

a complaint that the Postal Service has wholly disregarded the objectives and factors it is required to consider under the law.

Conclusion

The APWU's Complaint is legally sound and raises significant issues of material fact. The Commission should begin proceedings on the Complaint under Section 3662 of the Act.

Respectfully submitted,

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